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Attorneys for Defendant, Provident Life and Accident Insurance Company

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

EDWARD D. MANZELLA,

Plaintiff,

v.

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

Civil Action No.:

NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that defendant hereby removes the above entitled action from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441, et seq. and alleges as follows:

1. An action has been commenced and is now pending in the Superior Court of New Jersey, Law Division, Bergen County, entitled Edward D. Manzella v. Provident Life and Accident Insurance Company, bearing Docket Number BER-L-4357-17(**Exhibit 1**).

2. Defendant was served with a copy of the Summons and Complaint on July 19, 2017 (**Exhibit 2**).

3. Based on the foregoing, defendant has filed this Notice of Removal within thirty (30) days of receipt as required by U.S.C. § 1446(b). No further proceedings have occurred in this action.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). Accordingly, this action is one that may be removed to this Court by defendant pursuant to 28 U.S.C. § 1441 in that it is a civil action where the matter in controversy is likely to exceed the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

5. Plaintiff is at the time of Removal, and was at the institution of this action, a resident of the State of New Jersey (**Exhibit 1**).

6. Defendant, Provident Life and Accident Insurance Company, is at the time of Removal, and was at the time of the institution of this action, a corporation organized and existing pursuant to the laws of the State of Tennessee with its principal place of business in Maine.

7. This action arises out of a claim made by plaintiff for monthly benefits under a disability insurance policy issued by Defendant (**Exhibit 1**).

8. Plaintiff alleges that he is entitled to residual disability benefits and that defendant has failed to pay him benefits from December 15, 2015 to date and thereafter (**Exhibit 1**).

9. The policy at issue potentially provides residual disability benefits of up to \$8,000 per month if the plaintiff satisfies the terms and conditions of the policy.

10. The Complaint in this matter was filed on June 26, 2017 and, therefore, plaintiff is seeking over 18 months in back benefits, in addition to claiming entitlement to future benefits moving forward (**Exhibit 1**).

11. Based on the foregoing, the amount in controversy alleged by plaintiff likely exceeds the \$75,000 requirement.

12. By reason of the foregoing, this action is within the Court's removal jurisdiction, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332.

13. Written notice of the filing of this Notice of Removal has been served upon plaintiff's counsel as required by law.

14. A true copy of this Notice of Removal has been filed with the Clerk of the Superior Court of New Jersey, Law Division, Bergen County, as required by law.

WHEREFORE, defendant prays that this action be removed from the Superior Court of New Jersey, Law Division, Bergen County to the United States District Court for the District of New Jersey and that the United States District Court, District of New Jersey issue such orders and process as are necessary to preserve its jurisdiction over this matter.

DATED: August 15, 2017

Respectfully submitted,
WHITE AND WILLIAMS LLP
Attorneys for Defendant,
Provident Life and Accident Insurance Company

BY: 

ROBERT T. PINDULIC